

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-005914
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: June 04, 2015
County: JACKSON

ADMINISTRATIVE LAW JUDGE: Gary Heisler

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on June 4, 2015, from Lansing, Michigan. Participants on behalf of Claimant included herself and her authorized hearing representative [REDACTED] of L & S Associates. Participants on behalf of the Department of Health and Human Services (Department) included Family Independence Manager (FIM) [REDACTED] and Eligibility Specialist (ES) [REDACTED].

ISSUE

Did the Department properly determine Claimant's Medical Assistance eligibility on January 28, 2015?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On February 25, 2014, L & S Associates submitted a Medical Assistance and retroactive Medical Assistance application on Claimant's behalf.
2. On March 19, 2014, the Department issued a Notice of Case Action (DHS-1605) which stated Claimant's Medical Assistance application was denied due to excess assets.
3. On May 13, 2014, L & S Associates submitted a hearing request.
4. On June 25, 2014, a hearing was conducted on the March 19, 2014, Medical Assistance application denial.

5. On July 14, 2014, a Decision & Order was issued reversing the Department's March 19, 2014, Medical Assistance application denial. That decision was based on testimony from the Department representative that counting Claimant's children's joint bank accounts as assets appeared to be an error caused by placing Claimant's name first into BRIDGES instead of the children's names first. The Department was ordered to reprocess the application and issue a current notice of the eligibility determination.
6. On July 21, 2014, the Department issued a Certification (DHS-1843) that they had complied with the Decision & Order.
7. On January 28, 2015, the Department finally issued a Benefit Notice (DHS-176) stating the February 25, 2014 Medical Assistance application was denied due to excess assets.
8. On April 7, 2015, L & S Associates submitted a hearing request regarding the January 28, 2015 denial notice.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

In this case Claimant was joint owner on two separate savings accounts, one with each of her two children. One account contained \$6,551.40, the other \$9,948.61. Claimant testified that both of the children receive Social Security Administration benefits under a claim on their father's account.

Bridges Eligibility Manual (BEM) 400 Assets (2-1-2014) under Jointly Owned Assets - Joint Cash and Retirement Plans, at page 11 stated:

FIP, SDA, G2U, G2C, RMA, SSI-Related MA Only

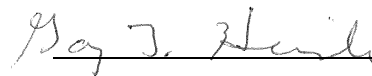
This section applies to the types of assets listed under CASH and RETIREMENT PLANS in this item.

Count the entire amount **unless** the person claims and verifies a different ownership. Then, each owner's share is the amount they own.

Claimant is the head of the household involved in this case. There is no evidence in the record which indicates the Department was ever presented with any claims or documentation asserting that any portion of the funds in the accounts were only for the benefit of the children. The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it used the joint accounts in determining Claimant's Medical Assistance eligibility on January 28, 2015.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Gary Heisler
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **6/19/2015**

Date Mailed: **6/19/2015**

GFH / 

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from MAHS within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a

rehearing or reconsideration on its own motion. MAHS **MAY** grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

cc:

